

REMARKS

Claims 1, 2, 4-14 and 16-30 are pending in the present application.

Claims 1, 2, 4-14 and 16-30 stand rejected under 35 U.S.C. 112, first paragraph, on the basis that the Examiner contends that the previously added limitation that requires the virtual image to be formed “physically and optically behind the sixth mirror” is not disclosed in the specification. Applicant traverses this rejection for the following reasons.

Applicant has amended claims 1 and 7 to recite that the virtual image is formed by the first optical group physically on the object side of a sixth mirror and optically further along the optical beam path after the sixth mirror. The feature “physically on the object side of a sixth mirror” is clearly shown in Fig. 1 and the feature “optically further along the optical beam path after the sixth mirror” is for example disclosed in Table 2 of the specification. The virtual image has the surface number 22 which is optically further along the optical beam path after the mirror surface 20 of the sixth mirror. Since these features are clearly disclosed in the specification, the rejection under 35 U.S.C. 112 is unfounded and should be withdrawn.

Claims 1, 2, 4-14 and 16-30 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons recited by the Examiner. Applicant respectfully requests withdrawal of this rejection based on the present amendments which were entered based on the Examiner’s suggestions and comments. As a result, withdrawal of this rejection is in order and is earnestly solicited at this time.

In particular, it is disclosed in a number of passages of the present specification (e.g., paragraphs [0028]; [0031]; [0038]; [0040]; [0047] of the published application) that the first optical group forms the virtual image. Based on the foregoing passages, Applicant respectfully submits that the subject matter of the amended claims is clearly set forth with sufficient definiteness in the specification. Withdrawal of this rejection is in order.

Applicant respectfully requests withdrawal of this rejection based on the following comments.

The attached, executed Declaration attests that the subject matter that qualifies as prior art (Shafer) and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person and therefore, 35 U.S.C. 103(c) applies.

Since the Shafer reference is the primary reference and no other grounds of rejection are advanced by the Examiner, Applicant contends that based on the present amendments that overcome the 112 rejections, the claims are in condition for allowance.

Since the present amendment does not require additional searching and/or further consideration, entry of the amendment is in order.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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